

REMARKS

The Office Action dated January 13, 2004 has been fully considered by the Applicant.

Claims 1-8 are currently amended, while claims 9 and 10 have been previously amended.

Claims 1 and 3-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Shikoku Kakoki Co. Ltd European Patent 579 334. Applicant's respectfully request reconsideration of the rejection based on the amendments made herein.

Claim 1 has been amended to further define the two clamping plates. The first clamping plate is disposed between the two crossing pairs of profile members, for example between pair 11 and pair 12. The first clamping plate has projections sticking up laterally of the profile members to hold the profile members at a defined spacing and to form a guide means for sliding movement along the transversally extending pairs of profile members. The first clamping plate has projection on both sides, standing up on both sides in different, transverse, direction according to the transverse directions of the different pairs 11, 12 of profiles to be spaced and guided by the projections.

The second clamping plate needs only projections on one of its sides, spacing and guiding a pair of profiles only on one side of the second clamping plate 2. The second clamping plate is disposed on top of the upper most part of the pairs of profile members and on a lower side of the lower most part of the pairs of profile members at the locations where the first pair cross the second pairs. The second clamping plates, at the side bearing against the upper and lower second pairs of profile member respectively, further

include projections sticking up laterally of the profile members to hold the profile members at a defined spacing.

These features are not found or taught in the Shikoku Kakoki Co., Ltd EP '334 patent. Therefore, Applicant believes claim 1 as currently amended is novel over the Shikoku Kakoki Co., Ltd '334 patent.

Applicant's invention achieves symmetrical introduction of forces by using pairs of profile members and its clamping mechanism which extends between the profile of a pair at each crossing with only one clamping mechanism per crossing. In addition, with Applicant's invention complete crossing is either fixed or loosened independent from the number of pairs of profiles contained in one crossing simply by clamping or loosening only one clamping mechanism. Further, using Applicant's invention the crossing can be moved in both the transversal and the longitudinal direction along one of the pairs of profiles after merely loosening the clamping mechanism. Another advantage to Applicant's invention is that it provides for a cheap and simple element packaging machine having only one kind of profile member and clamping element, and two versions of the clamping plates.

These advantages clearly are not found in the Shikoku Kakoki Co., Ltd EP '334 patent. Therefore, Applicant respectfully requests reconsideration of the rejection.

Support for these amendments are found in the specification on pages 2 through 4 and no new matter has been added.

Dependent Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shikoku Kakoki Co. Ltd. EP '334. It is believed that the amendments made herein discussed above overcome the rejection, and reconsideration is respectfully

requested.

Dependent Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shikoku Kakoki Co. Ltd in view of Dobrovolny United States Patent No. 5,792,046. It is believed that the amendments made herein overcome the rejection, and reconsideration is respectfully requested.

In summary, Applicant's disclosure is directed toward a packaging machine having a first clamping plate disposed between the two crossing pairs of profile members, for example between pair 11 and pair 12. The first clamping plate 2 has projection on both sides, standing up on both sides in different, transverse, directions according to the transverse directions of the different pairs 11, 12 of profiles to be spaced and guided by their projections 3.

The second clamping plate needs only projections on one of its side, spacing and guiding a pair of profiles only on one of the side of the second clamping plate. The second clamping plate is used on the upper side of the upper most pair 12 and on the lower side of the lower most pair 13 of the profiles.

The clamping plates of Shikoku Kakoki Co. Ltd. European '334 patent do not have these features.

Applicant sincerely believes that the claims as amended herein overcome the prior art and therefore respectfully request reconsideration of the rejection.

Unless the undersigned has misinterpreted the Office Action, this amendment should place the claims in condition for allowance. If, for any reason, the claims are not in condition for allowance it is because of a mistake or a misunderstanding of the Office

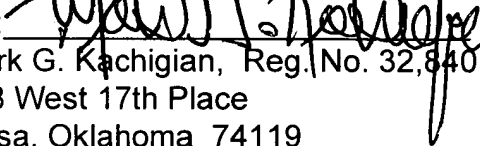
Action and, in such case, Examiner Ferguson is invited to call the undersigned at (918) 587-2000 so that any remaining amendments to place the application in condition for allowance can hopefully be achieved in a telephone interview.

The application should now be in condition for allowance, which is respectfully requested.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: April 13, 2004

BY: 
Mark G. Kachigian, Reg. No. 32,840
228 West 17th Place
Tulsa, Oklahoma 74119
(918) 587-2000
Attorneys for Applicant